

## **RESOLUTION OF INTENT TO REPEAL ORDINANCE 3-95**

### **RESOLUTION 5 - 97**

WHEREAS Madison County has previously adopted Ordinance 3-95, an Ordinance to regulate fences in County rights-of-way near bridges for the mutual convenience of the landowner, the public, and Madison County, and

WHEREAS litigation has arisen against Madison County surrounding Ordinance 3-95 seeking declaratory relief declaring Ordinance 3-95 unconstitutional and void as an illegal taking of private property without compensation and for vagueness and overbreadth., and

WHEREAS the competing interests of landowners and recreationists at issue in the litigation extend well beyond Madison County's borders and affect the interests of landowners and recreationists across the state, and

WHEREAS matters affecting statewide interests are more properly relegated to state agencies or the legislature, and

WHEREAS Madison County does not have the resources, nor is in a position to defend litigation with such a broad scope, and

WHEREAS Madison County does not have the resources to absorb the liability exposure involved in this litigation, and

WHEREAS repeal of an ordinance does not require public notice or hearing, but inasmuch as this is a controversial matter upon which the commission desires public comment,

NOW THEREFORE BE IT RESOLVED that the Madison County Board of County Commissioners shall hear public comments on its intent to repeal Ordinance 3-95 at a hearing to be held at 1:30 p.m. April 4, 1997 in the Courtroom at the Courthouse, Virginia City, Madison County, Montana. Testimony shall be limited to Madison County residents or landowners.

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS THIS 24 DAY OF  
MARCH, 1997.

  
C. TED COFFMAN, Chairman

  
WARD J. JACKSON, Commissioner

  
WILLIAM H. DOGGETT, Commissioner

FILE 101-B

060553

RESOLUTION 5-97  
RESOLUTION OF INTENT TO REPEAL

ORDINANCE 3-95

(ORIGINAL REC. # 53333

FILED 9/28/95, FILE 101-B)

AN ORDINANCE TO REGULATE FENCES IN COUNTY  
RIGHTS-OF-WAY NEAR BRIDGES- CAUSING  
LITIGATION ETC.

INDEXED  
EX-101  
60553  
60721

RECORDER'S OFFICE

Adison County, Montana

Filed MARCH 25th

1997

1:45

of Clerk P. J. J.

*Gregory J. Smith*

County Recorder

Fee \$ NONE

Deputy